

**Alaska Wilderness League • Audubon Alaska • Center for
Biological Diversity • Conservation Lands Foundation • Defenders
of Wildlife • Earthjustice • Northern Alaska Environmental Center
• The Wilderness Society**

Sent via email

August 28, 2019

Racheal Jones, Project Lead
Alaska State Office
Bureau of Land Management (BLM)
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rajones@blm.gov
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**Re: Request for Extension of Public Comment Period for Willow Master
Development Plan Draft Environmental Impact Statement Comments (No. DOI-
BLM-AK-0000-2018-0004-EIS)**

Dear Ms. Jones:

On behalf of the above-listed organizations and our members, we write to request an extension of the timeframe for the public to provide comments on the draft Environmental Impact Statement (EIS) for the proposed Willow Master Development Plan (MDP).

The Bureau of Land Management (BLM) posted the draft EIS to its planning website in the afternoon on Friday, August 23, without any announcement in the Federal Register. BLM staff indicated the public notice for the draft EIS is forthcoming and will likely be posted in the Federal Register August 30, 2019, with the comment period extending from that time through October 15, 2019. We request a minimum 62-day extension to submit comments for this important process — until December 16, 2019. This would allow for a total comment period of 97 days from the release of the draft EIS on August 30, 2019. This extension would ensure meaningful participation by our members and the interested public in this process, especially given that the comment period falls during important whaling and other subsistence harvest seasons.

This is a complex and far-reaching infrastructure proposal that is likely to have significant impacts on the region and the entire National Petroleum Reserve–Alaska (NPPRA) — particularly on the Teshekpuk Lake Special Area — and that warrants a significantly longer comment period. The scope of this project is substantial. As stated in the draft EIS, the master development plan (MDP) would involve the construction, operation, and maintenance of a massive oil and gas development project that includes a new central processing facility within

the NPRA and a related infrastructure pad, up to five drill pads with up to fifty wells on each pad, access and infield roads, an airstrip, pipelines, a gravel mine, and a temporary island to support module delivery via sealift barges. In addition to the sheer scale of industrial infrastructure contemplated by the MDP, the location also warrants close attention. The proposal is within and adjacent to the Teshekpuk Lake Special Area, one of the most productive wetland complexes in the Arctic and an important calving ground for the Teshekpuk Lake Caribou Herd, an important subsistence resource for communities on the North Slope.

Public participation is a core purpose of NEPA. BLM must ensure adequate time and opportunity to engage the public in each step of this process.¹ A 7-week comment period during the summer and fall on the draft EIS is insufficient to meet BLM's NEPA obligations to provide robust participation by the interested public, given the sensitive resources, the complexity of the issues and analysis required, and the timing of the proposal.²

Additional time will allow the public time to review the many documents BLM is relying on for its analysis and to fill information and analysis gaps. BLM has provided its draft EIS and appendices, which must be reviewed. But BLM is also referring to or incorporating by reference numerous documents that collectively amount to thousands of pages. BLM has yet to provide GIS files online, frustrating our ability to review and analyze the various alternatives and impacts. Ensuring that the public has sufficient time to receive and review all of the documents and understand their relationship to what is being proposed is essential to the public's ability to analyze and provide meaningful comments to the agency on the project.³ The public also needs sufficient time to identify missing information and analysis gaps and provide that important information. Allowing the public ample time to gather information and provide analysis is essential.

Additional time is also necessary to account for the multiple public comment periods for development activities in the Arctic that are likely to overlap with this comment period. The Willow MDP itself has a separate comment period by the U.S. Army Corps of Engineers ("Corps") for the Clean Water Act 404 permit required for this project, and we understand these comment period will run concurrently. Thus the public must engage in two separate comment period for different federal agencies for the Willow MDP at the same time. Both are highly detailed and technical analyses with different statutory frameworks and mandates. This greatly expands the scope of what's necessary to meaningfully engage on the project.

On the same day BLM posted the Willow draft EIS, it also posted the draft EIS for the proposed Ambler Mining District Industrial Access Project — another massive infrastructure project that will have serious effects on the Arctic and sub-Arctic, including on communities within the Reserve who depend on subsistence resources like the Western Arctic Caribou Herd. BLM has indicated that it will provide only a 45-day comment period on the draft EIS for that proposal, which will run concurrently with the comment period for the Corps' 404 permit for that project and the National Parks Service's comment period on its Environmental and Economic Analysis. Further, BLM has stated it intends to release the Final EIS for the Coastal Plain Oil and Gas Leasing Program, Alaska, which will trigger a 30-day public review period, in the coming weeks. Additionally, BLM is currently revisiting the Integrated Activity Plan for the entire NPR-

¹ 40 C.F.R. §§ 1500.2(d), 1506.6.

² 40 C.F.R. § 1503.1(a)(4).

³ 40 C.F.R. § 1500.1(b).

A, and a draft EIS is expected for that process is expected sometime this fall, as well, likely in October. Finally, the comment period for the Alaska Liquefied Natural Gas pipeline, which involves extensive North Slope infrastructure, is scheduled to close on October 3, 2019. This schedule will result in *eight* highly impactful and significant public comment or review periods for development projects in Arctic Alaska going on at the same or similar timeframes.

The manner in which DOI is operating appears to be specifically targeted at suppressing the public's ability to review and engage in the evaluation of these substantial projects, contrary to NEPA. A core purpose of NEPA is to ensure public participation and involvement in agency decisions. There are countless requirements in the Council on Environmental Quality regulations designed to ensure agencies fulfil this core purpose by involving the public. Agencies are required to “[m]ake diligent efforts to involve the public in preparing and implementing their NEPA procedures,” “[p]rovide public notice of NEPA-related hearings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected,” “solicit appropriate information from the public,” and “[e]xplain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.”⁴ Under these requirements, BLM “*must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.* The information must be of high quality. Accurate scientific analysis, expert agency comments, and *public scrutiny are essential to implementing NEPA.*”⁵

BLM’s and other agencies’ decision to release all of these analyses in nearly overlapping timeframes reflects a complete failure by the agency to involve the public meaningfully in these NEPA processes. Releasing this number of significant decisions on such short and overlapping timeframes is contrary to the purpose behind NEPA and will not allow for the public scrutiny and involvement that is both essential and required under NEPA. The public’s ability to meaningfully comment on these important, closely related, and highly technical documents will be hindered if they all proceed with overlapping timeframes and without adequate time to evaluate each. ***We strongly encourage BLM to revisit the timing of its release of these documents and the manner in which BLM is engaging the public.*** At a bare minimum, extensions of public comment periods are necessary.

The rushed manner in which the department has proceeded on all these projects also raises serious questions about whether the agency itself has done enough to adequately analyze the serious impacts that are likely to result. BLM should proceed cautiously, ensuring that the agency takes sufficient time to engage the public, the scientific community, and communities who will be most impacted by this decision. The affected communities in Arctic Alaska, who rely on these areas for their way of life, will be overwhelmed with pages of bureaucratic text and public hearings on multiple large-scale development projects. Given the complexity of the issues involved, the issuance of this document during the summer and fall when many key staff are unavailable for much of the comment period and when many local communities are engaged in subsistence activities, and the overlap of other comment periods for development projects on public lands in Arctic Alaska, we request that BLM extend the comment period for an additional

⁴ 40 C.F.R. § 1506.6(a)–(b), (d), (e).

⁵ 40 C.F.R. § 1500.1(b) (emphasis added).

62 days, at a minimum. Additionally, we request a response to this request by September 9, 2019, to ensure we are able to meet the comment deadline.

If you have any questions, please feel free to contact David Krause at The Wilderness Society, 907-272-9453 or david_krause@twc.org.

Sincerely,

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